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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/707,541	11/06/2000	Elijahu Shapira	3561-68	1290
20575	7590	09/26/2006	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			HARBECK, TIMOTHY M	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/707,541

Applicant(s)

SHAPIRA ET AL.

Examiner

Timothy M. Harbeck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

In view of the Appeal Brief filed on 6/19/2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Papierniak et al (hereinafter Papierniak, US Pat No 6,128,624) in view of Editors (Business Editors / High Tech Writers. "WebSide Story Introduces StatMarket eData Mining – the Most Powerful Tool Available for Gathering E-Commerce Knowledge." Business Wire. New York: Sept 21, 1999. pg 1).

Re Claim 1: Papierniak et al. discloses:

A method for tracking and reporting electronic commerce activity over a web site comprising:

storing a web page on a first server (308) coupled to a wide area network, said web page including data fields reflecting commerce transaction activity and data mining code; accepting commerce information within the data fields of the web page at the visitor computer to form a completed web page (306; col.3, lines 13-53)..

receiving the technical and commercial data at a second server (method steps of figs. 8-15, col.3, line 22-co1.5, line 58).

Papierniak does not explicitly disclose the steps of:

operating the data mining code on the visitor computer to obtain technical and commercial data, and

uploading the web page including the data fields and data mining code to a visitor computer responsive to a request over the wide area network from the visitor computer.

Editors provides a teaching where invisible data mining code is placed on monitored web pages in order to track commerce information for customers (Page 2,

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"After some invisible code is placed on monitored pages."). It is further well known in the art for web pages to be uploaded to the customer upon a request and therefore the page along with the invisible code is uploaded to the customer (See Editors Page 2, "counts a page view when the page is loaded into an actual Web Browser."). Editors teaches that it was known in the art to utilize code, operating on the customer computer to extract commerce information. This is the same type of commerce information collected in server side applications such as the one described in Papierniak and represents a recognized alternative. It would have been obvious to a person of ordinary skill in the art to apply the teachings of Editors to the disclosure of Papierniak to allow the data mining to be done on the client side as well as the server side. The ultimate information collected is the same and therefore where the data is collected represents a design choice between the known methods of client side or server side. One would be motivated to use the client side; web based application because it eliminates much of the extensive hardware and software purchases and maintenance

Re Claim 2: Papierniak further discloses receiving the completed web page at the fast server (col.2, line 57-co1.3, line 65); generating an order confirmation web page incorporating the commerce information from the data fields of the completed web page, said order confirmation web page including the data mining code; and uploading the order confirmation web page to the visitor computer (method steps of figs. 8-15; col.3, line 22-col.5, line 58).

Re Claim 3: Papierniak further discloses The method for tracking and reporting electronic commerce activity of claim 2, further including the steps of associating variables within the data mining code to the commerce information within the order confirmation page; confirming the commerce information at the visitor computer', receiving the order confirmation page from the visitor computer at the first server responsive to the step of confirming the commerce information; and receiving the associated variables at the second server responsive to the step of confirming the commerce information (col.3, line 63-col.4, line 10).

Re Claim 4: Papierniak further discloses the step of associating variables includes the steps of associating a variable with a product name of the commercial transaction (col.3, line 63-col.4, line 10).

Re Claim 5: Papierniak further discloses the step of associating variables includes the steps of associating a variable with a product category of the commercial transaction (col.16, lines 36-37).

Re Claim 6: Papierniak further discloses the step of associating variables includes the steps of associating a variable with a number of products purchased in the commercial transaction (col.15, lines 11-co1.17, line 38).

Re Claim 7: Papierniak further discloses the step of associating variables includes the steps of associating a variable with a unit price of the commercial transaction (col.15, lines 11-col.17, line 38).

Re Claim 8: Papierniak further discloses the steps of compiling the variables into a commercial transaction report; and posting the report for viewing over the wide area network (figs. 15-15A)

Re Claim 9: Papierniak further discloses the steps of embedding the commercial data within a URL request directed at the second server (Col 12, lines 37-50)

Response to Arguments

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


HYUNG SOUGH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3628